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RUZEFAA/CDR USAFRICOM STUTTGART GE  
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UNCLAS SECTION 01 OF 02 NAIROBI 001474

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SENSITIVE

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TAGS: [PGOV](#) [PREL](#) [ECON](#) [KWMN](#) [SOCI](#) [SO](#)

SUBJECT: SOMALIA - Puntland Region Moves Toward Greater Autonomy

¶1. (SBU) Summary: On June 29, Puntland's parliament passed a new constitution which, if ratified by public referendum (tentatively scheduled for 2010), would increase the likelihood of Puntland's succession. Contacts tell us clan and business interests could stave off ratification. The constitution also calls for a transition from clan representation to a pluralist system. The move to multi-party democracy, however, is likely to remain illusory if Puntland President Abdirahman Farole continues to use the democratization process as a tool to consolidate executive power and embolden his subclan of the Darod/Harti. We are urging Farole to work with civil society and election advisors, provide civic education in advance of general elections, consult with clan elders from across Puntland, and engage with the TFG on the contentious issues of federalism and resource control. End Summary.

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Constitutional Reform, A Multi-Year Process  
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¶2. (SBU) The Puntland regional government operated under a provisional charter when it was first established in 1998 until May 26, 2001, when its parliament approved a provisional constitution. The provisional constitution relied on clan elders to select members of parliament who subsequently elected the speaker of parliament, president and vice president. The provisional constitution was supposed to have been subject to a referendum in 2004. However, lack of capacity and political will prevented the referendum from taking place.

¶3. (SBU) The new constitution was developed through a process that began in May 2007. A government-appointed constitutional review committee comprised of 11 members created the first draft which was submitted to several public forums of second tier political figures such as mayors and governors, civil society members, and traditional leaders. In June 2008, following the public forums, the committee completed a final draft of the constitution. The cabinet passed the draft, but the parliament refused to do so, arguing that any next steps should be taken by the next administration. The parliament was set to expire in 6 months and Presidential elections were scheduled for January 2009. On June 29, after six months of cabinet level redrafting, Puntland's new administration approved the constitution.

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Multi-Party Politics  
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¶4. (SBU) The new constitution introduces, for the first time,

multi-party competitive politics in Puntland and builds upon Somaliland's model of a three party system. Under the new constitution, the three political parties with the most votes during District Council elections will be registered as the only three political parties allowed to run for parliament for a ten year period. (Note: Municipal elections are held every 5 years. The ten year timeframe represents two municipal election cycles. End Note.) The new constitution disallows parties based on clan and attempts to transcend narrow clan alliance by requiring political parties have branches in all regions of Puntland.

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Executive Attempting to Consolidate Greater Control  
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15. (SBU) January presidential election victor Abdirahman Farole and his new cabinet redrafted the constitution and vested more control in the hands of the executive, a move that will most likely continue to be debated and contentious in Puntland, despite the June 29 parliamentary approval of the draft. The new constitution makes it easier for President Farole to remove members of the judiciary and makes impeachment of the president more difficult. An Interpeace advisor to Farole told us his organization intends to reopen these issues with the President, despite the parliamentary approval of the constitution, as well as advise the President on the next steps of ratification and the creation of an electoral commission. The new constitution provisionally takes effect immediately. A date has not yet been set for public ratification, but our contacts tell us it will be sometime in 2010.

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Towards Greater Autonomy  
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16. (SBU) In a clear sign of edging toward greater autonomy, under the new constitution, Puntland will modify its name from "Puntland Regional Government" to "the Puntland State of Somalia." Negotiations with Mogadishu would determine what powers the Puntland government would cede to the Somalia federal government. Until then Puntland would operate independently. (Note: Puntland's perceived right to control its own natural resource is a continual source of tension between Puntland and southern Somalia. Our contacts tell us drafters of the constitution wanted stronger and more specific language stating Puntland's demands in this area, but finally agreed on more flexible language after advice from constitutional advisors. End note.) The constitution states the Puntland government will reconsider its federal arrangement with Somalia if the Somali people fail to agree on a federal system and instability in southern Somalia continues to prevail. Under such circumstances, the Puntland government reserves the right to seek a two-thirds vote for secession in parliament which would then be put to public referendum. (Note: Our contacts tell us that, while Puntlanders advocate for strong Puntland autonomy, secession would not be widely popular among Puntlanders due to cross-cutting clan and business ties with southern Somalia. End Note.)

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Comment  
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17. (SBU) We assess the new constitution is potentially a step toward long-term political reforms. However, it is also very likely Farole will attempt to manipulate the move to national elections and a three-party party system to seize greater executive control and sideline would-be subclan opponents. Puntland's delicate political balance is threatened by intra-Darod/Harti tensions, with Farole's Majerteen subclan widely perceived as increasingly hegemonic. There is not yet a date for popular ratification of the constitution and little to no movement on either electoral commission or voter registration processes. Vesting greater control in the executive or a potential call for secession would probably be widely unpopular among Puntlanders and, taken together, could roil Puntland's political waters.

